

**Customer No. 27061**

Patent

Attorney Docket No. GEMS8081.024; GEMS8081.027; GEMS8081.028

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	: Hetfleisch-Wenzel et al.	Singh et al.	Singh et al.
Serial No.	: 09/468,403	09/710,543	09/468,752
Filed	: December 20, 1999	November 9, 2000	December 21, 1999
For	: Method and Apparatus for Screening Potential Customers for Transactions Across a Global Computer Network	A Method of Designing an Electronic Transaction System	Method and Apparatus for Screening a Potential Customer and Assigning an Account Number to the Potential Customer Across a Global Computer Network
Group Art No.	: 3627	3627	3627
Examiner	: Andrew J. Rudy	Andrew J. Rudy	Andrew J. Rudy

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

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**37 CFR 1.8(a)**

**37 CFR 1.10**

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**Transmission**

- ☒ transmitted by facsimile to Fax No.: 571-273-8300 addressed to Group Director at the Patent and Trademark Office.

Date: April 6, 2006

*Jessica A. Calaway*  
Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO GROUP DIRECTOR TO REQUEST EXAMINER REASSIGNMENT**

Dear Sir:

Applicant respectfully requests reassignment of the above referenced cases due to delay, action, and inadequate Examination. Each of the above referenced files are currently assigned to Mr. Andrew J. Rudy.

Docketed by: *JAE*  
Date: *4-7-06*

A copy of the Transaction History for each file is attached.

**09/468,752 (GEMS8081.028)**

In this case, Applicant originally submitted its Appeal Brief on May 5, 2003 and an Amended Appeal Brief on July 7, 2003. The Examiner issued an action of September 16, 2003, and Applicant submitted a Supplemental Appeal Brief and Petition Seeking Supervisory Review on December 16, 2003. That Petition was denied on May 24, 2004, and the Examiner has taken no action on the case since. Applicant has filed Status Inquiries April 5, 2004, and February 1, 2006, with no reply from the Office. Since nearly two years have passed without any action on Applicant's Appeal Brief, Applicant respectfully requests the case be reassigned.

**09/468,403 (GEMS8081.024)**

In this case, Applicant filed a Supplemental Appeal Brief on December 16, 2003 with a Petition for Supervisory Review, which, again, was denied. Applicant did not receive a Notice of NonCompliant Appeal Brief until August 3, 2005, and then promptly filed a Response and a Supplemental Appeal Brief on August 19, 2005. MPEP §1207.02 states that "[t]he examiner should furnish the Appellant with a written statement in answer to appellant's brief within 2 months after the receipt of the brief by examiner." Since nearly eight months have passed without any action on Applicant's Appeal Brief, Applicant respectfully requests the case be reassigned.

**09/710,543 (GEMS8081.027)**

In this case, Applicant filed a Pre-Appeal Brief Conference Request on August 3, 2005 along with a Notice of Appeal. As per a telephone conference between our paralegal and Examiner Rudy, the Notice of Appeal and Pre-Appeal Brief Conference Request was faxed again to Examiner Rudy on September 30, 2005. Then once more the Notice of Appeal and Pre-Appeal Brief Conference Request was faxed directly to Examiner Rudy on November 2, 2005. Applicant never did receive a Decision on the request, but received a new action mailed February 28, 2006, reopening prosecution which is nothing more than furthering additional delay. That is, in one paragraph in the Office Action, the Examiner applied a 316 page reference and merely cited to "Figs. 1-87" and "Cols. 1-321." Even so, the Examiner still found it necessary to take Official Notice, and provide "an alternative" rejection. Applicant paid its fee and deserved a Decision from the Panel.

It is quite clear that, although Applicant has paid all of its fees associated with applying for these patents, prosecuting these patents, and filing Notices of Appeal and Appeal Briefs, that the Office is simply delaying and certainly not providing any adequate or quality examination. Accordingly, Applicant respectfully requests each of these cases be allowed or reassigned. The undersigned also notes that several calls were placed to the Group Director John Love, in the hopes of not having to file this Petition. In the two instances that the undersigned telephone calls were returned by Examiner Rudy's SPE, Mr. Alexander Kalinowski, the undersigned was assured that these issues would be looked into and a return phone call was promised. Unfortunately, the undersigned never received such a return phone call. With all do respect, Applicant simply wants a fair examination, and if reasonable minds differ, be allowed to take its case to the Board of Appeals.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



Timothy J. Ziolkowski  
Registration No. 38,368  
Direct Dial 262-376-5139  
[tjz@zpspatents.com](mailto:tjz@zpspatents.com)

Dated: April 6, 2006  
Attorney Docket No.: GEMS8081.024

**P.O. ADDRESS:**  
Ziolkowski Patent Solutions Group, SC  
14135 North Cedarburg Road  
Mequon, WI 53097-1416  
262-376-5170



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09/468,752

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## Transaction History

Date	Transaction Description
07-07-2003	Miscellaneous Incoming Letter
05-09-2005	IFW TSS Processing by Tech Center Complete
05-24-2004	Petition Decision - Dismissed
12-16-2003	Petition Entered
09-16-2003	Mail Non-Final Rejection
09-09-2003	Non-Final Rejection
07-21-2003	Date Forwarded to Examiner
07-07-2003	Appeal Brief Filed
06-25-2003	Notice -- Defective Appeal Brief
05-07-2003	Date Forwarded to Examiner
05-06-2003	Defective / Incomplete Appeal Brief Filed
05-06-2003	Appeal Brief Filed
03-11-2003	Notice of Appeal Filed
02-24-2003	Mail Advisory Action (PTOL - 303)
02-24-2003	Advisory Action (PTOL-303)
02-11-2003	Date Forwarded to Examiner
02-03-2003	Amendment after Final Rejection
12-03-2002	Mail Final Rejection (PTOL - 326)
12-02-2002	Final Rejection
09-17-2002	Date Forwarded to Examiner
09-16-2002	Response after Non-Final Action
07-15-2002	Mail Non-Final Rejection
07-11-2002	Non-Final Rejection
05-24-2002	Date Forwarded to Examiner
05-20-2002	Response after Non-Final Action
04-24-2002	Mail Non-Final Rejection
04-23-2002	Case Docketed to Examiner in GAU
04-22-2002	Non-Final Rejection
04-16-2002	Case Docketed to Examiner in GAU
11-06-2001	Case Docketed to Examiner in GAU

11-27-2000	Case Docketed to Examiner in GAU
06-28-2001	Case Docketed to Examiner in GAU
11-27-2000	Correspondence Address Change
10-13-2000	Case Docketed to Examiner in GAU
04-24-2000	Information Disclosure Statement (IDS) Filed
06-27-2000	Case Docketed to Examiner in GAU
05-01-2000	Application Dispatched from OIPE
05-01-2000	Application Is Now Complete
02-14-2000	Notice Mailed--Application Incomplete--Filing Date A
01-24-2000	IFW Scan & PACR Auto Security Review
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09/468,403

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Date	Transaction Description
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08-24-2005	IFW TSS Processing by Tech Center Complete
08-23-2005	Date Forwarded to Examiner
08-19-2005	Supplemental Appeal Brief
08-03-2005	Notice -- Defective Appeal Brief
06-04-2005	Date Forwarded to Examiner
12-16-2002	Supplemental Appeal Brief
06-04-2005	Date Forwarded to Examiner
12-16-2003	Response after Non-Final Action
06-24-2004	Petition Decision - Dismissed
12-16-2003	Petition Entered
10-20-2003	Mail Non-Final Rejection
10-15-2003	Non-Final Rejection
08-08-2003	Date Forwarded to Examiner
06-05-2003	Defective / Incomplete Appeal Brief Filed
06-05-2003	Appeal Brief Filed
07-30-2003	Notice of Appeal Filed
12-30-2002	Mail Final Rejection (PTOL - 326)
12-30-2002	Final Rejection
10-16-2002	Date Forwarded to Examiner
10-14-2002	Response after Non-Final Action
08-13-2002	Mail Non-Final Rejection
08-07-2002	Non-Final Rejection
07-26-2002	Date Forwarded to Examiner
05-24-2002	Response after Non-Final Action
04-30-2002	Mail Non-Final Rejection
04-23-2002	Case Docketed to Examiner in GAU
04-22-2002	Non-Final Rejection
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11-15-2000	Case Docketed to Examiner in GAU
06-26-2001	Case Docketed to Examiner in GAU

11-15-2000	Correspondence Address Change
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03-29-2000	Correspondence Address Change
02-23-2000	Information Disclosure Statement (IDS) Filed
02-29-2000	Case Docketed to Examiner in GAU
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09/710,543

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Date	Transaction Description
02-28-2006	Mail Non-Final Rejection
02-23-2006	Non-Final Rejection
11-02-2005	Request for Appeal Conference Filed
11-02-2005	Notice of Appeal Filed
06-03-2005	Mail Final Rejection (PTOL - 326)
05-31-2005	Final Rejection
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03-09-2005	Response after Non-Final Action
01-12-2005	Mail Non-Final Rejection
01-10-2005	Non-Final Rejection
11-07-2004	Date Forwarded to Examiner
10-29-2004	Response after Non-Final Action
10-19-2004	Mail Miscellaneous Communication to Applicant
10-18-2004	Miscellaneous Action with SSP
10-04-2004	IFW TSS Processing by Tech Center Complete
09-30-2004	Miscellaneous Incoming Letter
04-05-2001	Oath or Declaration Filed (Including Supplemental)
04-05-2001	Miscellaneous Incoming Letter
08-10-2004	Date Forwarded to Examiner
07-16-2004	Response after Non-Final Action
10-04-2003	Certified Translation of Foreign Priority Document
10-15-2002	Information Disclosure Statement (IDS) Filed
10-15-2002	Reference capture on IDS
07-16-2004	Workflow incoming amendment IFW
07-13-2004	Mail Non-Final Rejection
07-12-2004	Non-Final Rejection
05-06-2004	Date Forwarded to Examiner
12-16-2003	Response after Non-Final Action
04-27-2004	Petition Decision - Denied
12-16-2003	Petition Entered
10-04-2003	Mail Non-Final Rejection
09-27-2003	Non-Final Rejection



09-02-2003	Date Forwarded to Examiner
08-22-2003	Response to Election / Restriction Filed
07-28-2003	Mail Restriction Requirement
07-28-2003	Requirement for Restriction / Election
05-14-2003	Case Docketed to Examiner in GAU
04-23-2002	Case Docketed to Examiner in GAU
12-06-2001	Case Docketed to Examiner in GAU
11-26-2001	Case Docketed to Examiner in GAU
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Date: September 30, 2005

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FROM: Lisa J. Ehaney on behalf of Timothy J. Ziolkowski

NUMBER OF PAGES (including cover) 9

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Re: U.S. Patent Application No. 09/710,543

Filing Date: November 9, 2000

Title: A METHOD OF DESIGNING AN ELECTRONIC TRANSACTION SYSTEM

Atty. Docket No. GEMS8081.027

Dear Examiner Rudy,

Further to our phone conversation today, per your instructions, I am faxing herewith our August 3, 2005 submission of a Notice of Appeal and a Pre-Appeal Brief Request for Review. Also attached is a copy of the Auto-Reply Facsimile Transmission from the PTO indicating receipt of this filing at 11:06:18am on August 3, 2005.

Please ensure that this filing is made of record in the above-captioned patent application. Also, please ensure the Deposit Account is not double charged for the filing of the Notice of Appeal.

Thank you for your assistance with this matter.

Sincerely,

*Lisa Ehaney*  
Lisa Ehaney

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Date: 9-30-05

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Sincerely,

*Lisa Ehaney*

Lisa Ehaney

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Attorney Docket No. GEMS8061.024; GEMS8081.027; GEMS8081.028

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In re	: Herfleisch-Wenzel et	Singh et al.	Singh et al.
Application of	: al.		
Serial No.	: 09/468,403	09/710,543	09/468,752
Filed	: December 20, 1999	November 9, 2000	December 21, 1999
For	: Method and Apparatus for Screening Potential Customers for Transactions Across a Global Computer Network	A Method of Designing an Electronic Transaction System	Method and Apparatus for Screening a Potential Customer and Assigning an Account Number to the Potential Customer Across a Global Computer Network
Group Art No.	: 3627	3627	3627
Examiner	: Andrew J. Rudy	Andrew J. Rudy	Andrew J. Rudy

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Applicant respectfully requests reassignment of the above referenced cases due to delay, action, and inadequate Examination. Each of the above referenced files are currently assigned to Mr. Andrew J. Rudy.